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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 SNOW COVERED CAPITAL, LLC,

7 Plaintiff(s),

8 v.

9 JODI FONFA; EVAN FONFA, an individual
10 and in his capacity as the Trustee of THE
11 EVAN FONFA 2018 TRUST dated December
26, 2018; THE EVAN FONFA 2018 TRUST
dated December 26, 2018; and DOE
DEFENDANTS I THROUGH X,

12 Defendant(s).

2:22-cv-01181-CDS-VCF

ORDER

13 Before the Court is plaintiff Snow Covered Capital, LLC's motion to Strike "Jodi Fonfa's answer
14 to first amended complaint (ECF NO. 40).

15 No opposition has been filed and the time to file an opposition has passed. Under LR 7-2(d), the
16 failure of an opposing party to file points and authorities in response to any motion, except a motion under
17 Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion.

18 Here, it seems as though defendants have consented to the granting of the instant motion.


19 Accordingly,

20 IT IS HEREBY ORDERED that plaintiff Snow Covered Capital, LLC's motion to Strike "Jodi
21 Fonfa's answer to first amended complaint (ECF NO. 40), is GRANTED.

22 IT IS FURTHER ORDERED that all of the paragraphs of the Fonfa Answer (ECF No. 34) that
23 currently rely on the "may be inconsistent with documents", attorney-client, and legal conclusion
24 evasions, with only the latter two subject to repleading are STRICKEN.

1 IT IS FURTHER ORDERED that each of the “affirmative defenses” set forth in the Fonfa Answer
2 (ECF No. 34) are STRICKEN.

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4 DATED this 28th day of November 2022.



5 CAM FERENBACH
6 UNITED STATES MAGISTRATE JUDGE
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